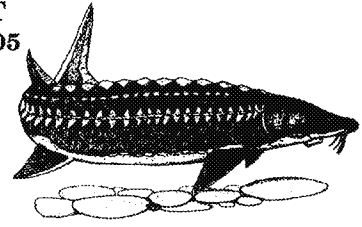


KOOTENAI TRIBE OF IDAHO

FISH AND WILDLIFE DEPARTMENT
P.O. Box 1269 Bonners Ferry, Idaho 83805
(208) 267-3620 Fax No. (208) 267-1131



To: SeTSC Co-Chairs, Sheldon Reddekopp (BC ENV) and Lauren Sullivan (MT DEQ)

From: Genny Hoyle, Kootenai Tribe of Idaho

Date: 9/30/2019

Subject: Comments on 8/2/2019 Memorandum from Windward Environmental LLC/Teck

In regards to the request for comments on the memorandum submitted by Windward Environmental LLC/Teck to the SeTSC on 8/2, please find specific comments on the attached document, as well as in the text below.

In general, the KTOI has found the scope of the selenium criteria development (Kootenai Reservoir) fundamentally lacking in that it does not account for mining effects in the Kootenai River below Libby Dam. Taking the lack of an ecosystem approach into consideration, making changes to the specific language as recommended by Windward Environmental LLC /Teck is cause for concern.

Excerpt from the Memorandum; Page 3:

4 Example of Potential Modification to Levels of Protection Definition

The following is an example of how the level of protection definition could be revised based on the recommendation provided herein:

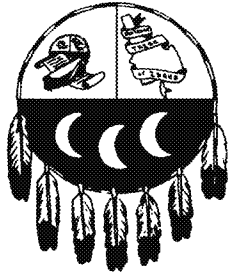
The model-derived water-column criterion will provide a level of protection ensuring that the population mean for any species in the reservoir will not exceed its species-defined threshold, which is defined based on the following hierarchy: (a) species-specific EC10; (b) EC10 from intra-genus surrogate; or (c) the USEPA criterion of 15.1 mg/kg dw or BC ENV guideline of 11 mg/kg dw.

In Table 2 from Windward Environmental LLC /Teck's memo it is notable that Kootenai River white sturgeon are left off of the SeTSC's species of concern list. It is imperative that Kootenai River white sturgeon be considered when developing the site-specific criteria as they are one of the most selenium-sensitive fish species, and they are culturally important and significant to the Kootenai Tribe.

Another concern is that a number of the citations used in the memorandum are considered gray literature and have questionable sources.

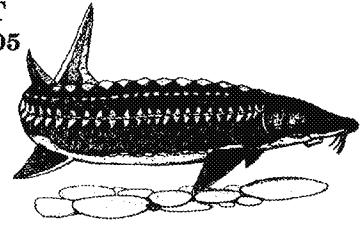
The Kootenai Tribe of Idaho acknowledges that there is variability of sensitivity within fish species, and the individual fish themselves, but one of the goals of selecting a site-specific selenium criteria is to protect downstream use and function as well as the specific site. The model should be run for the suite of species that are known to bio-accumulate selenium at higher concentrations regardless of whether there is species-specific toxicity data for them. Some of these fish species of concern could potentially include the peamouth chub, northern pike minnow, red-side shiner, slimy and torrent sculpin, long-nose sucker, and large-scale sucker.

Creating memorandums and overwhelming the SeTSC with gray literature and large data dumps does not mitigate the main issue at hand, which is that Teck has not followed through on their wastewater treatment plant



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implementation schedule, and Teck is still exceeding water quality guidelines in the Elk River, which are negatively impacting the Koocanusa Reservoir and the Kootenai River in Idaho and Montana.

We request the members of the SeTSC focus on the task at hand, which is to develop a protective and defensible site-specific selenium criteria and not be derailed by random memorandums and gray literature submitted by Woodward Environmental LLC /Teck.